



Policies and Procedures Manual

Title: Military Reserves/National Guard Policy
Policy Administrator: Director Administrative Services
Effective Date: Mar-30-2010
Approved by: General Counsel

Purpose:

The purpose of this policy is to comply with State and Federal mandated rights to Military Reserves and National Guard persons who are called to service.

Policy:

If an employee is called up to active duty, and provides timely notification of military duty to the College, he/she is protected under State and Federal mandates in regard to reemployment rights.

1.0 State and Federal Mandates

State and Federal laws mandate certain rights to Reserves and National Guard persons called to active duty, including:

- Reemployment to the same or similar position upon returning from active duty
- Reserves who return with disabilities must be employed in a position as is practical
- Must be treated as having been on a leave of absence, without loss of seniority, status, pay raises or promotions
- Entitled to all benefits provided other employees on leaves of absence
- Entitled to COBRA continuation coverage
- Entitled to the following if based on service:
 - Retirement contribution
 - Vacation or sick pay (they do not accrue time but do not lose service step increases)

2.0 Rights Not Mandated by State and Federal Laws

The following are not mandated by State and Federal Laws:

- Pay or pay differentials

- Life insurance or disability benefits
- Hardship withdrawals from 401(k) plans because of being called to active duty
- Retirement benefits not based on service

3.0 College Benefits

The College of the Holy Cross will provide the following benefits to any Reserve or National Guard person who is called to active duty:

- Reemployment rights
- Preservation of seniority and status
- Pay raises or base pay adjustments that occur during absence
- Credit of retirement benefits for non-exempt employees upon return to employment
- Six months continuation of health benefits at the normal employee cost, thereafter COBRA entitlements may be considered
- Upon initial call up to active duty, the College will provide the difference in compensation between the 30 days call up military compensation and College compensation
- Continuation of retirement contribution for exempt personnel by the College based upon the individual's option to pay the matching contribution

4.0 Eligibility

College employees returning from uniformed service are eligible for reemployment if:

- Employee provided written or verbal notice prior to leaving for military training or service
- Their cumulative consecutive military service does not exceed 5 years
- They are released from service under conditions other than dishonorable
- They report back to job in a timely manner upon deactivation

Procedures:

Pre-Activation Notification

Employees should give advance written notice of their service obligation to the director of human resources, unless military necessity makes this impossible. If possible, pre-activation notification should include the employee's intent to return to employment based on the length of time absent from the College.

Meetings

Time permitting, the employee meets with human resources to review benefits provided by this policy while on leave.

The employee's department head meets with human resources to determine what, if any, temporary arrangements need to be made during the employee's leave time.

Post Activation Notification/Reemployment

As defined by the [Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#), employees should submit notification of reemployment to human resources in accordance with the following guidelines:

Length of service 31 to 180 days: Employee must submit notification for reemployment no later than 14 days after he/she completes military service. If it is impossible or unreasonable through no fault of the employee to submit a timely notification, he/she must give notification as soon as possible.

Length of service of 181 or more days: Employee must submit notification for reemployment no later than 90 days after he/she completes military service.

Disability incurred or aggravated.

The notification deadlines are extended for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service.

Related Information:

Title	The Uniformed Services Employment and Reemployment Rights Act (USERRA)
Title	Mass. G.L. c.33 s.13
Title	Veteran's Guide to Benefits

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